IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1617 of 2006
Date of decision: November 27, 2006.

Jagdish Singh Rahi

...**Petitioner(s)**

v.

Smt. Daljit Kaur & Ors.

...**Respondent(s)**

Present: Shri R.P. Kansal, Advocate for the petitioner.

Surya Kant, J. (Oral)

The petitioner had filed CWP No.19868 of 1998, which was disposed of by a Division Bench of this Court on March 17, 1999 with a direction to the respondents to declare the result of selection for appointment of suitable candidates on the post of Head Teachers/Central Head Teachers. However, as regard to the post of Block Primary Education Officers (BPEO), it was directed that the recruitment shall be made keeping in view the judgment of this Court in **Nirmal Parbhakar v. State of Punjab**, 1997(1) RSJ 374.

An advertisement dated October 1, 2006 (Annexure P-3), vide which the applications for recruitment to the post of BPEO have been invited, has now been issued.

Contending that in the writ petition, the official respondents had taken a stand that the claim of the petitioner shall be considered on the basis of the application already made by him for the post of BPEO and that no such protective clause has been incorporated in the advertisement issued

now, this contempt petition has been filed.

It is also averred that the petitioner ha already made a representation to the competent authority that he should be considered for the post of BPEO on the basis of his previous application as the petitioner has now become over-age.

After hearing Learned Counsel for the petitioner and having regard to the fact that the effective steps to conclude the selection process are yet to start, it is difficult to assume that the competent authority shall not consider the claim of the petitioner as contained in the representation, Annexure P-4.

That apart, the issuance of advertisement in order to fill up the post of BPEO by direct recruitment appears to be in consonance with the directions issued by this Court vide judgment dated March 17, 1999, referred to above.

In this view of the matter, this petition is disposed of with a direction to the Departmental Selection Committee (Primary) that the representation dated 31.10.2006 moved by the petitioner may be considered objectively and in accordance with law and the rules and if it is found that the petitioner is eligible in terms thereof, his candidature may also be considered accordingly.

November 27, 2006. [**Surya Kant**]
kadyan **Judge**